MSK.P-035-US
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sadelain et al.	
Serial No.:	08/940,544	Examiner: L. Helms
Filed:	September 30, 1997	Art Unit: 1642
For:	Fusion Proteins of a Single-Chain Antibody and CD28 and Uses Thereof	

DECLARATION UNDER RULE 1.131

The undersigned declares as follows:

1. I am a named inventor of the above-referenced application, and I am familiar with the application. I have been advised that the Examiner has issued an Official Action in which the claims were rejected over art which included Alvarez-Vallina et al, Eur. J. Immunol. 26: 2304 (1996), published and WO97/34634 published 9/25/97.

2. The Alvarez-Vallina article indicates that it was accepted for publication on July 17, 1996. Therefore, it follows that the actual publication date was after this date.

3. Attached are various notebook pages relating to the conception and reduction to practice of scFv-CD28 fusion proteins of the type claimed in this application.

Exhibit A shows a page in which the concept of generating an scFv-CD28 fusion is disclosed.

Exhibit B shows a page in which a specific plan to generate an scFv-CD28 fusion is outlined. The date on the Exhibit has been obscured, but it is before July 17, 1996.

Exhibit C shows pages in which a PCR procedure amplifying CD28 is documented. The dates on the Exhibit have been obscured, but they are before July 17, 1996.

Exhibit D shows a miniprep in which the amplified CD28 440 fragment is combined with an scFv to create a fusion receptor. The date on the Exhibit has been obscured, but it is before July 17, 1996.

Exhibit E shows the first sequence results on the fusion receptor. The date on the Exhibit has been obscured, but it is before July 17, 1996.

Exhibit F shows an experiment for FACS analysis of cells infected with scFv-CD28

fusion receptor. The date on the Exhibit has been obscured, but it is before July 17, 1996.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

dated: _____

_____
Nai-Kong V. Cheung

dated: 12-14-02

Anja Krause

dated: _____

_____
Hong Feng Guo

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sadelain et al.

Serial No.: 08/940,544 Examiner: L. Helms

Filed: September 30, 1997 Art Unit: 1642

For: Fusion Proteins of a Single-Chain Antibody and CD28 and Uses Thereof

DECLARATION UNDER RULE 1.131

The undersigned declares as follows:

1. I am a named inventor of the above-referenced application, and I am familiar with the application. I have been advised that the Examiner has issued an Official Action in which the claims were rejected over art which included Alvarez-Vallina et al, Eur. J. Immunol. 26: 2304 (1996), published and WO97/34634 published 9/25/97.

2. The Alvarez-Vallina article indicates that it was accepted for publication on July 17, 1996. Therefore, it follows that the actual publication date was after this date.

3. Attached are various notebook pages relating to the conception and reduction to practice of scFv-CD28 fusion proteins of the type claimed in this application.

Exhibit A shows a page in which the concept of generating an scFv-CD28 fusion is disclosed.

Exhibit B shows a page in which a specific plan to generate an scFv-CD28 fusion is outlined. The date on the Exhibit has been obscured, but it is before July 17, 1996.

Exhibit C shows pages in which a PCR procedure amplifying CD28 is documented. The dates on the Exhibit have been obscured, but they are before July 17, 1996.

Exhibit D shows a miniprep in which the amplified CD28 440 fragment is combined with an scFv to create a fusion receptor. The date on the Exhibit has been obscured, but it is before July 17, 1996.

Exhibit E shows the first sequence results on the fusion receptor. The date on the Exhibit has been obscured, but it is before July 17, 1996.

Exhibit F shows an experiment for FACS analysis of cells infected with scFv-CD28

fusion receptor. The date on the Exhibit has been obscured, but it is before July 17, 1996.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

dated: 12/10/02

Nai-Kong V. Cheung

dated: _____

_____

Anja Krause

dated: 12/10/02

Hong Feng Guo